

REMARKS

Initially, Applicants note their disappointment that the previous rejections were maintained despite amendments made pursuant to a verbal agreement with the previous Examiner that amendments similar to those made would, in the previous Examiner's opinion, distinguish the claimed combinations from each of the documents applied in the rejections, whether the applied documents were considered alone or in combination. In this regard, and as noted in Applicants' previous response, Applicants explained that such amendments should not have been considered an indication of Applicants' acquiescence as to the propriety of the rejections. Rather, Applicants amended claims in order to expedite prosecution of the present application and to obtain early allowance of claims. Applicants also incurred the cost of filing a Request for Continued Examination to ensure that such amendments were entered.

In view of the renewed rejections, Applicants are again amending the claims into a form similar, in some aspects, to the form in which they were prior to the previous amendment. Applicants have also amended the claims to more clearly recite the features therein, as well as to advance prosecution of the present application and obtain early allowance thereof.

In the outstanding Official Action, claims 1-5 and 11-18 were rejected under 35 U.S.C. §102(e) over HOLDEN (U.S. Patent No. 6,771,639). Claims 1-20 were also rejected under 35 U.S.C. §103(a) over LaPORTA et al. (U.S. Patent No. 5,970,122) in view of VO et al. (U.S. Patent No. 6,795,444).

Applicants traverse the rejection of claims 1-5 and 11-18 under 35 U.S.C.

§102(e) over HOLDEN. In this regard, claim 1 of the present application recites a “method of collecting information, comprising... sending an interactive text markup programming language script, using a session initiation protocol (SIP) message, to a communications device, the interactive script including at least a first query and a second query that is presented based on a response to the first query; and receiving the response to the first query and a response to the second query from the communications device, each of the response to the first query and the response to the second query being based upon input from a user of the communications device”.

The outstanding Official Action asserts that HOLDEN discloses features similar to the above-noted features in FIGs. 1-6, and particularly in FIG. 6. Applicants respectfully submit that the Official Action is in error. In this regard, HOLDEN discloses, at e.g., the Abstract, that a “first network element can generate a call request including announcement information”. HOLDEN additionally discloses, at e.g., col. 2, lines 54-57, that “FIG. 3 illustrates a message according to a Session Initiation Protocol (SIP)... the SIP message including announcement information”. Further, HOLDEN discloses that the announcement information may include “media data” such as “markup data (e.g., HTML or XML)” (see col. 5, lines 30-34).

Further, with respect to the teachings of FIGs. 5 and 6, HOLDEN discloses that the “SIP Invite message containing announcement information” is received (col. 8, lines 21-26). Additionally, “[i]f the Invite message includes announcement information, then the cover media routine 402 determines (at 506) the types of cover media included in the message” (col. 8, lines 30-33). Moreover, “(at 508) the type of platform that the

network element 100 is implemented on" is determined (see col. 8, lines 41-43). Finally, HOLDEN discloses, at col. 8, lines 50-53, "(at 510) the cover media routine then presents (at S510) the cover media on the appropriate output devices".

Accordingly, HOLDEN discloses sending text markup programming language data, using a session initiation protocol (SIP) message, to a communications device. However, the text markup programming language data in HOLDEN is not an "interactive script including at least a first query and a second query that is presented based on a response to the first query", as recited in claim 1. Rather, HOLDEN explicitly discloses at, e.g., the Abstract, that "[t]he announcement information may include identification information (e.g., telephone number or web address) of the calling party and additional information that conveys to the called party some information relating to the desired call session (e.g., description of the content)". In other words, this information is not a "first query", let alone a "first query and a second query that is presented based on a response to the first query".

Further, HOLDEN discloses, at e.g., col. 9, lines 10-21 that the recipient of the message may make a request (i.e., request for further information). However, neither the announcement that is sent to the recipient using the SIP message, nor any request from the recipient, includes an "interactive script including at least a first query and a second query that is presented based on a response to the first query". Further, no communication from the recipient is a "response to [a] first query" let alone a "response to the first query and a response to the second query", each of which is "based upon input from a user of the communications device" to which the interactive text markup

programming language script was sent.

Accordingly, Applicants respectfully submit that HOLDEN does not disclose "each and every" feature recited in claim 1, as would be required for the rejection under 35 U.S.C. §102(e) to be proper. In this regard, if the rejection of claim 1 over HOLDEN is maintained, Applicants respectfully request clarification from the Examiner as to what in HOLDEN he is interpreting as the above noted "interactive script including at least a first query and a second query that is presented based on a response to the first query". Further, if the rejection of claim 1 is maintained over HOLDEN, Applicants respectfully request clarification from the Examiner as to what in HOLDEN he is interpreting as the above "response to the first query and a response to the second query", each of which is "based upon input from a user of the communications device" to which the interactive text markup programming language script was sent.

Applicants further submit that HOLDEN fails to disclose or suggest at least the features of independent claims 11 and 17 that are similar to the above-noted features recited in claim 1. In this regard, claim 11 recites a "method of interactively pre-screening caller information of a user using a communications device" with features similar to those noted above with respect to claim 1, as well as additional features including the interactive text markup programming language script being sent "from an information service". Further, claim 17 recites a "computer readable medium for storing a computer program that controls collection of information from a user of a communications device" with segments used to perform a method similar to the method recited in claim 1.

Accordingly, Applicants submit that claims 1, 11 and 17 are separately allowable over HOLDEN for at least the numerous reasons set forth above. Applicants additionally submit that each of claims 2-5, 12-16 and 18 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Applicants additionally traverse the rejection of claims 1-20 under 35 U.S.C. §103(a) over LaPORTA in view of VO. In this regard, Applicants initially submit that there is no proper motivation to modify the teachings of LaPORTA with VO. In particular, with respect to the rejection of claims 1, 6, 11, 17 and 19, the outstanding Official Action acknowledges that LaPORTA does not disclose “using a session initiation protocol (SIP) message”. However, the outstanding Official Action asserts that it would be obvious to modify LaPORTA with the teachings of VO because “LaPorta teaches sending messages over the world wide web” and “Vo teaches sending SIP messages over the world wide web”. Applicants respectfully submit that the broad motivation asserted by the Examiner, i.e., that it would be obvious to modify the teachings of LaPORTA with the teachings of VO because both teach sending message over the web, is not a proper motivation for one of ordinary skill in the art to modify the teachings of LaPORTA.

Applicants further submit that there is no teaching in the prior art to specifically use session initiation protocol in LaPORTA. In this regard, Session Initiation Protocol (SIP) is a protocol for creating, modifying and terminating sessions with one or more participants. However, there is no suggestion in the prior art to modify LaPORTA to use

session initiation protocol. For example, LaPORTA does not admit to any existing difficulty creating, modifying and/or terminating sessions with participants. Furthermore, LaPORTA does not disclose any particular reason to use session initiation protocol, nor does the outstanding Official Action cite such a reason. Nor does VO suggest that it would be particularly useful to modify the teachings of LaPORTA to provide SIP messages. Accordingly, Applicants respectfully submit that neither LaPORTA nor VO provides any proper motivation to modify the teachings of LaPORTA with the teachings of VO. Rather, the only motivation to modify LaPORTA in the manner necessary to obtain the combination recited in Applicants' claims is the improper motivation of the Examiner to obtain Applicants' claims in hindsight.

In any case, even the combination of LaPORTA with VO does not disclose or suggest the combination recited in Applicants' claims. In this regard, the messaging example shown in FIG. 3 of LaPORTA involves sending a single message to one or more users using a "two-way wireless messaging system" (see col. 5, lines 12-15). However, sending a message, or even a single query, to the one or more users does not disclose the features recited in Applicants' claims. Rather, Applicants' independent claim 1 recites "sending an interactive text markup programming language script... including at least a first query and a second query that is presented based on a response to the first query". In this regard, even if the lunch request in LaPORTA were considered a "first query", a response to the lunch request is not a "second query that is presented based on a response to the first query". In other words, the outstanding Official Action asserts that the response itself is the second query, whereas claim 1

recites that the second query "is presented based on a response to the first query".

However, the second query could not logically be the response itself, and there is nothing further in LaPORTA that could be misinterpreted as the claimed "second query that is presented based on a response to the first query". Further, even if a second query were presented in LaPORTA, there is no teaching that such a second query would be presented as part of an "interactive script", as recited, rather than as individual queries where the second would be sent later depending on a received response to the first.

Accordingly, Applicants respectfully submit that there is no proper motivation to modify LaPORTA with the teachings of VO. Further, Applicants respectfully submit that even the combination of LaPORTA and VO would not obtain the combination of features recited in Applicants' claim 1.

Applicants further submit that the combination of LaPORTA and VO fails to disclose, suggest or render obvious at least the features of independent claims 6, 11, 17 and 19 that are similar to the above-noted features recited in claim 1. In this regard, claim 6 recites a "method of determining a final call destination for a user using a communications device" with features similar to those noted above with respect to claim 1, as well as additional features including the interactive text markup programming language script being sent "from a call queue". Additionally, claim 11 recites a "method of interactively pre-screening caller information of a user using a communications device" with features similar to those noted above with respect to claim 1, as well as additional features including the interactive text markup programming language script

being sent "from an information service". Further, claim 17 recites a "computer readable medium for storing a computer program that controls collection of information from a user of a communications device" with segments used to perform a method similar to the method recited in claim 1. Finally, claim 19 recites a "data reception system that receives collected data from a user using a communications device" with features similar to those noted above with respect to claim 1, including that the data reception system includes a "call queue that receives a call from an automated call distributor and sends... an interactive text markup programming language script".

Accordingly, Applicants submit that claims 1, 6, 11, 17 and 19 are separately allowable over the combination of LaPORTA in view of VO for at least the numerous reasons set forth above. Applicants further submit that claims 2-5, 7-10, 12-16, 18 and 20 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

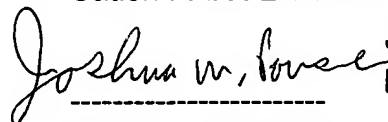
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims and have explained how each of the claims recites a combination not disclosed, suggested or rendered obvious by the documents applied in the outstanding Official Action. Accordingly, reconsideration and withdrawal of each of the rejections of claims 1-20 is respectfully requested.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any comments regarding this Response of the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Satish PAROLKAR et al.

 Joshua M. Povsht
Reg. #42,086

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191